

IC 2-5-1.6

Chapter 1.6. Public Officers Compensation Advisory Commission

IC 2-5-1.6-1

"Commission"

Sec. 1. As used in this chapter, "commission" refers to the public officers compensation advisory commission established by section 6 of this chapter.

As added by P.L.133-2012, SEC.2.

IC 2-5-1.6-1.5

"Compensation"

Sec. 1.5. As used in this chapter, "compensation" refers to all of the following elements of compensation:

- (1) Salary.
- (2) Deferred compensation.
- (3) Health, vision, and dental insurance.
- (4) Pension and other retirement benefits.
- (5) Any other:
 - (A) amount paid to an individual; or
 - (B) benefit provided to an individual;to compensate the individual for services provided as a public officer.

As added by P.L.133-2012, SEC.2.

IC 2-5-1.6-1.7

"Compensation value"

Sec. 1.7. As used in this chapter, "compensation value" means the dollar value of all elements of compensation for a public officer.

As added by P.L.133-2012, SEC.2.

IC 2-5-1.6-2

"Growth rate"

Sec. 2. As used in this chapter, "growth rate" refers to the rate of change in Indiana nonfarm income determined by the Bureau of Economic Analysis of the United States Department of Commerce.

As added by P.L.133-2012, SEC.2.

IC 2-5-1.6-3

"Political subdivision"

Sec. 3. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13.

As added by P.L.133-2012, SEC.2.

IC 2-5-1.6-4

"Public employee"

Sec. 4. As used in this chapter, "public employee" refers to any of the following:

- (1) An employee of the state.

- (2) An employee of a political subdivision.
- (3) An employee of any other entity whose salary is paid in any part from funds derived from taxes imposed by the state or a political subdivision.

As added by P.L.133-2012, SEC.2.

IC 2-5-1.6-5

"Public officer"

Sec. 5. As used in this chapter, "public officer" refers to any of the following:

- (1) The governor.
- (2) The lieutenant governor.
- (3) The secretary of state.
- (4) The auditor of state.
- (5) The treasurer of state.
- (6) The attorney general.
- (7) The state superintendent of public instruction.
- (8) A justice of the supreme court of Indiana.
- (9) A judge of the court of appeals of Indiana.
- (10) A judge of the Indiana tax court.
- (11) A judge of a circuit, superior, or probate court.
- (12) A member of the general assembly.

As added by P.L.133-2012, SEC.2.

IC 2-5-1.6-6

Establishment of commission

Sec. 6. There is established the public officers compensation advisory commission.

As added by P.L.133-2012, SEC.2.

IC 2-5-1.6-7

Membership

Sec. 7. (a) The commission consists of the following members:

- (1) Two (2) members appointed by the speaker of the house of representatives. The members appointed under this subdivision may not be members of the same political party.
- (2) Two (2) members appointed by the president pro tempore of the senate. The members appointed under this subdivision may not be members of the same political party.
- (3) Two (2) members appointed by the governor. The members appointed under this subdivision may not be members of the same political party.
- (4) Two (2) members appointed by the chief justice of the supreme court of Indiana. The members appointed under this subdivision may not be members of the same political party.
- (5) One (1) member appointed by the chief judge of the court of appeals of Indiana.

(b) The following may not be a commission member:

- (1) A public officer.
- (2) A public employee.

(3) An individual who has a pecuniary interest in the salary of a public officer. For purposes of this subdivision, an individual has a pecuniary interest in the salary of a public officer if an increase in the salary of a public officer will result in an ascertainable increase in the income or net worth of the individual.

As added by P.L.133-2012, SEC.2.

IC 2-5-1.6-8

Terms

Sec. 8. (a) The term of a commission member begins on the later of the following:

(1) July 1 after the member is appointed.

(2) The day the member accepts the member's appointment.

(b) The term of a commission member expires on July 1 of the fourth year after the year the member's term begins.

(c) A member may be reappointed to serve a new term.

As added by P.L.133-2012, SEC.2.

IC 2-5-1.6-9

Vacancy

Sec. 9. (a) If there is a vacancy on the commission, the public officer who appointed the member whose position is vacant shall appoint an individual to fill the vacancy.

(b) The member appointed under this section shall fill the vacancy for the remainder of the unexpired term.

As added by P.L.133-2012, SEC.2.

IC 2-5-1.6-10

Appointment of chairperson

Sec. 10. (a) Before July 1 of each odd-numbered year, the chairman of the legislative council shall appoint one (1) member to be chair of the commission.

(b) The member appointed as chair of the commission serves as chair beginning July 1 after appointment.

(c) A member of the commission may be reappointed as chair of the commission.

As added by P.L.133-2012, SEC.2.

IC 2-5-1.6-11

Quorum

Sec. 11. Five (5) commission members constitute a quorum. The affirmative votes of at least five (5) commission members are necessary for the commission to take official action other than to adjourn or to meet to hear reports or testimony.

As added by P.L.133-2012, SEC.2.

IC 2-5-1.6-12

Meetings

Sec. 12. The commission shall meet at the call of the chair and at

other times as the commission considers necessary.
As added by P.L.133-2012, SEC.2.

IC 2-5-1.6-13

Per diem

Sec. 13. Each member of the commission is entitled to the following:

- (1) The salary per diem provided under IC 4-10-11-2.1(b).
- (2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.
- (3) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.133-2012, SEC.2.

IC 2-5-1.6-14

Legislative services agency staff

Sec. 14. The legislative services agency shall provide administrative support for the commission. At the request of the legislative services agency, the state personnel department or the Indiana judicial center established by IC 33-38-9-4 shall assign staff to provide research and other support to assist the legislative services agency in providing administrative support to the commission.

As added by P.L.133-2012, SEC.2.

IC 2-5-1.6-15

Contract with consultants

Sec. 15. The legislative services agency may contract with consultants on behalf of the commission, as the commission considers necessary, to implement this chapter.

As added by P.L.133-2012, SEC.2.

IC 2-5-1.6-16

Subject to rules of legislative council

Sec. 16. Except as otherwise provided by this chapter, the commission is subject to the rules of the legislative council.

As added by P.L.133-2012, SEC.2.

IC 2-5-1.6-17

Reports

Sec. 17. The commission shall make reports to the general assembly as required by this chapter or by the legislative council. The reports to the legislative council must be in an electronic format under IC 5-14-6.

As added by P.L.133-2012, SEC.2.

IC 2-5-1.6-18

Meetings

Sec. 18. The commission shall meet at least one (1) time not later

than July 1 of each even-numbered year to do the following:

- (1) For each public officer listed in section 5 of this chapter, determine the most recent year that the compensation value for the public officer increased.
- (2) Receive information relating to the compensation of public officers.
- (3) Consider recommendations for suitable compensation for public officers.
- (4) Take testimony relating to the compensation of public officers.

As added by P.L.133-2012, SEC.2.

IC 2-5-1.6-19

Recommendations

Sec. 19. (a) Not later than September 1 of each even-numbered year, the commission shall make written recommendations to the:

- (1) legislative council; and
- (2) budget committee;

concerning suitable elements of compensation for public officers. The recommendations to the legislative council must be in an electronic format under IC 5-14-6.

(b) When making recommendations, the commission shall do the following:

- (1) Make a separate recommendation of compensation value, which may include a recommendation for no adjustment of compensation value, for each separate public officer listed in section 5 of this chapter. The commission may not recommend an increase in the compensation value for a public officer to an amount that exceeds the compensation value the public officer would receive if the compensation value for the public officer increased each year since the most recent year the public officer received an increase in compensation value by the growth rate for each respective year.
- (2) Recommend maintaining or abolishing existing elements of compensation or establishing new elements of compensation.
- (3) Recommend a compensation plan that enables an individual who is a public officer to select elements of compensation to meet the individual's own circumstances while ensuring that individuals who hold the same public office receive compensation of equal compensation value.
- (4) Make other recommendations the commission considers useful to provide suitable compensation for public officers.

As added by P.L.133-2012, SEC.2.

IC 2-5-1.6-20

Health care adjustment

Sec. 20. For purposes of this chapter, a health care adjustment under IC 33-38-5-8.2 is considered part of the compensation of a public officer who is a judicial officer.

As added by P.L.133-2012, SEC.2.

IC 2-5-1.6-21**Enactment of recommendations**

Sec. 21. A commission recommendation does not take effect unless enacted by the general assembly.

As added by P.L.133-2012, SEC.2.

IC 2-5-1.6-22**Appropriation**

Sec. 22. There is annually appropriated to the legislative services agency from the state general fund money necessary for the operation of the commission.

As added by P.L.133-2012, SEC.2.

IC 2-5-1.6-23**Not severable**

Sec. 23. Notwithstanding IC 1-1-1-8, the provisions of this chapter are not severable.

As added by P.L.133-2012, SEC.2.